

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11021 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

JIVANLAL MOTILAL PATEL

Versus

LALICHANDRA MOTILAL PATEL

Appearance:

1. Special Civil Application No. 11021 of 2004
MR MB GANDHI wiht MS SHAILI A KAPADIA for
Petitioner No. 1-2
MR PM THAKKAR Ld. Sr. Advocate with MR MULIA for
MR PARTHIV B SHAH for Respondent No. 1-8

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/10/2004

ORAL JUDGEMENT

1. RULE. Mr. Mulia waives service of rule on behalf of the respondents. With the consent of the parties the matter is taken up for final hearing today.

2. The petitioner has by way of this petition challenged the impugned order dated 7th July, 2004 in Civil Misc. Appeal No. 87/2002, whereby the learned Judge, has set aside order dated 24th May, 2002 granting injunction below Exh.5.

3. I have heard advocates for the respective parties and have perused the relevant record. In view of the concurrent findings of the authorities below, I am not inclined to interfere with the same.

4. However, on the facts and circumstances of the case, I am of the opinion that ends of justice would be met if either of the party is directed to make a fresh application before the Trial Court for expediting the suit. Accordingly, it is directed that if a fresh application is made by either side for expediting the suit, the Trial Court shall consolidate the Special Civil Suit Nos. 1265/97, 1266/97, 535/2003, 536/2003, Regular Civil Suit No. 316/2002, Special Civil Suit Nos. 567/2003, 568/2003, 569/2003 and shall hear and dispose of the same in accordance with law, within a period of one year from the receipt of the writ of application by either side.

5. With the above observations and directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]
/phalguni/